

AO 102 (01/09) Application for a Tracking Warrant

UNITED STATES DISTRICT COURT

for the
District of South DakotaIn the Matter of the Tracking of
(Identify the person to be tracked or describe
the object or property to be used for tracking)

21-168-04

Case No. 4:21-mj-155

REDACTED APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of 21 U.S.C. § 841(a)(1). Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- ☒ The person, property, or object is located in this district. ☐ The activity in this district relates to domestic or international terrorism.
- ☐ The person, property, or object is not now located in this district, but will be at the time of execution. ☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- ☒ evidence of a crime; ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime; ☐ a person to be arrested or a person who is unlawfully restrained.

☒ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:

REDACTED

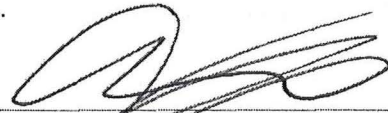
N/A

☒ Delayed notice of 30 days (give exact ending date if more than 30 days: ~~09/17/2021~~) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me telephonically and signed in my presence.

Date: ~~09/17/2021~~ 9-20-2021

City and state: Sioux Falls, SD



Applicant's signature

Andrew Jacob, Special Agent

Applicant's printed name and title



Judge's signature

Veronica L. Duffy, United States Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT

for the

Southern District of South Dakota

In the Matter of the Tracking of
(Identify the person, property, or object to be tracked)

21-168-04

Case No. 4:21-mj-155

REDACTED TRACKING WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government shows there is reason to believe that the person, property, or object described above has been involved in and likely will continue to be involved in the criminal activity identified in the application, and ☒ is located in this district; ☐ is not now located in this district, but will be at execution; ☐ the activity in this district relates to domestic or international terrorism; ☐ other:

I find that the affidavit(s), and any recorded testimony, establish probable cause to believe that
(check the appropriate box) ☐ using the object ☒ installing and using a tracking device
to monitor the location of the person, property, or object will satisfy the purpose set out in Fed. R. Crim. P. 41(c) for issuing a warrant.

☒ I find entry into the following vehicle or onto the following private property to be necessary without approval or knowledge of the owner, custodian, or user of the vehicle or property for installing, maintaining, and removing the tracking device:
REDACTED

YOU ARE COMMANDED to execute this warrant and begin use of the object or complete any installation authorized by the warrant by _____ (no later than 10 days from the date this warrant was issued) and may continue to use the device until _____ (no later than 45 days from the date this warrant was issued). The tracking may occur within this district or another district. To install, maintain, or remove the device, you may enter (check boxes as appropriate)

☐ into the vehicle described above ☐ onto the private property described above
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Within 10 calendar days after the use of the tracking device has ended, the officer executing this warrant must both return it to (United States Magistrate Judge) _____ and — unless delayed notice is authorized below — serve a copy of the warrant on the person who, or whose property or object, was tracked.

☐ Pursuant to 18 U.S.C. § 3103a(b)(1), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and this warrant prohibits the seizure of any tangible property or any wire or electronic communications (as defined in 18 U.S.C § 2510). I therefore authorize the officer executing this warrant to delay notice to the person who, or whose property or object, will be tracked (check the appropriate box)

☒ for 30 days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued:

9-20-2021 at 2:30pm

Judge's signature

City and state: Sioux Falls, SD

Veronica L. Duffy, United States Magistrate Judge

Printed name and title

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Case No. _____

Return of Tracking Warrant With Installation

1. Date and time tracking device installed: _____
2. Dates and times tracking device maintained: _____
3. Date and time tracking device removed: _____
4. The tracking device was used from *(date and time)*: _____
to *(date and time)*: _____.

Return of Tracking Warrant Without Installation

1. Date warrant executed: _____
2. The tracking information was obtained from *(date and time)*: _____
to *(date and time)*: _____.

Certification

I declare under the penalty of perjury that this return is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding
21-168-04

No. 4:21-mj-155

**REDACTED AFFIDAVIT IN
SUPPORT OF APPLICATION FOR
TRACKING WARRANT**

STATE OF SOUTH DAKOTA)
):SS
COUNTY OF MINNEHAHA)

I, Andrew Jacob, being duly sworn on oath, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in Sioux Falls, South Dakota, and have been duly employed in this position since March 2020. I am a graduate of the Criminal Investigator Training Program and HSI Special Agent Training Program at the Federal Law Enforcement Training Center. I have received specialized training pertaining to conducting criminal investigations, immigration, and customs laws, investigative techniques, searching databases, conducting interviews, executing search warrants, and making arrests with respect to criminal violations of United States Code.

2. As a Special Agent one of my responsibilities is investigating drug trafficking organizations and associated money laundering methods. I have assisted with several investigations into violations of the Federal Controlled Substances Act and I am familiar with the provisions of Titles 21 and 18 of the United States Code.

3. Through this affidavit I am requesting a warrant be issued for the installation and monitoring of a tracking device on a vehicle. Upon information and belief, a [REDACTED]

[REDACTED] (hereinafter the **SUBJECT VEHICLE**), is suspected of being used in furtherance of 21 U.S.C. §§ 841 and 846 (conspiracy and distribution of controlled substances) and 18 U.S.C. § 922 (firearm violations). The **SUBJECT VEHICLE** has a current registration.

4. I further state that there is probable cause to believe that the installation of a tracking device in or on the **SUBJECT VEHICLE**, and use of the

tracking device, will lead to evidence, fruits, and instrumentalities of the aforementioned crimes as well as to the identification of individuals who are engaged in the commission of those and related crimes.

5. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of United States Code are located at the premises mentioned in this affidavit.

6. I have received information from other law enforcement officers and sources of information by either verbal or written report. The officers and sources providing information may have received the information by way of personal knowledge or from another source.

Background

7. On [REDACTED]

8. Law enforcement database checks with the Sioux Falls Police Department (SFPD) revealed [REDACTED]

9. On [REDACTED]

10. On [REDACTED]

[REDACTED]

11. Since [REDACTED]

[REDACTED]

12. On [REDACTED]

[REDACTED]

13. On [REDACTED]

[REDACTED]

14. On [REDACTED]

[REDACTED]

15. On [REDACTED]

[REDACTED]

16. I believe [REDACTED]

[REDACTED]

17. Agents [REDACTED]

18. In order to [REDACTED]

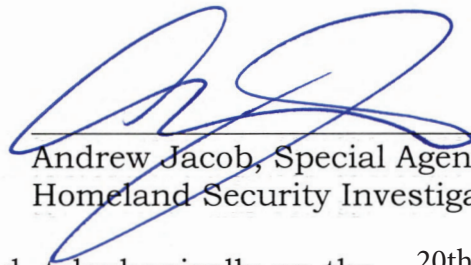
19. In the event that the Court grants this application, [REDACTED]

20. It is requested that the warrant and accompanying affidavit and application in support thereof, as they reveal an ongoing investigation, be sealed until further order of the Court in order to avoid premature disclosure of the investigation, guard against the flight of fugitives, and better ensure the safety of agents and others, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office, and may be served on Special Agents and other investigative and law enforcement officers, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant.

21. In accordance with 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I request that the warrant delay notification of the execution of the warrant for a period not to exceed 6 months after the end of the authorized period of tracking (including any extensions thereof) because there is an ongoing investigation into these crimes, which also includes the crimes of additional co-conspirators, which will very likely not be completed within a timeframe shorter than 6 months after the end of the authorized period of tracking. Immediate notification could result in information being provided to the individuals selling controlled substances, as well as purchasers, and further evidence could then be destroyed. Therefore, I believe there is reasonable cause to believe that providing immediate notification would seriously jeopardize the

investigation, and that notification may result in the destruction of or tampering of evidence.

22. I respectfully request that the Court issue a warrant authorizing Homeland Security Investigations or their authorized representatives, including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to install a tracking device in or on the **SUBJECT VEHICLE** within the District of South Dakota within 10 calendar days of the issuance of the requested warrant, and to repair or replace said tracking device during the authorized monitoring period and to remove said tracking device from the **SUBJECT VEHICLE** after the use of the tracking device has ended; to surreptitiously enter onto private property, or its curtilage, and/or move the **SUBJECT VEHICLE** to effect the installation, repair, replacement or removal of the tracking device; and to monitor the tracking device, for a period of 45 days following the issuance of the warrant, including when the tracking device is inside private garages and other locations not open to the public or visual surveillance, both within and outside the District of South Dakota.



Andrew Jacob, Special Agent
Homeland Security Investigations

Sworn to before me and subscribed, telephonically on the 20th day of September, at Sioux Falls, South Dakota.



VERONICA DUFFY
United States Magistrate Judge